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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/201,672	11/30/1998	LEONID SHEYNBLAT	02344.P034X	1857

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Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

ISSING, GREGORY C

ART UNIT	PAPER NUMBER
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3662

DATE MAILED: 09/03/2002

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/201,672

Applicant(s)

SHEYNBLAT ET AL.

Examiner

Gregory C. Issing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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1. The request filed on 1/24/02 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/201,672 is acceptable and a CPA has been established. An action on the CPA follows.
2. The period for suspension of action under 37 CFR 1.103(b), filed 1/24/02 and requesting a period of three months, has concluded.
3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 36-53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 36, line 5, the language "a position information" is improper.

Claim 43 is indefinite due to the language "said location". Furthermore, it is unclear what is meant by "are part of the same computer system" and what is the scope of "the same computer system".

Claim 46 fails to further limit the independent claim since claim 36 sets forth a web server and a separate location server wherein the location server receives/transmits information to/from a web server. If it is all performed by a single web server, then the transmitting step and the receiving (from the location server) step are not able to be performed.

In claim 47, line 3, the language "for a position information" is improper.

Claim 48 is not further limiting since the independent claim specifically sets forth "receiving, at a location server" and "transmitting from said location server".

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Claim 53 is indefinite due to the language "said location". Furthermore, it is unclear what is meant by "are part of the same computer system" and what is the scope of "the same computer system".

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 36, 37, 41-49, 54 and 55 are rejected under 35 U.S.C. 102(a) as being anticipated by Tsukinokisawa.

Tsukinokisawa discloses the claimed method for providing information associated with a location of a mobile device, see Fig. 1, including a mobile device 10, internet 30, base stations 20 and service system 35. A mobile device requests information from world wide web and transmits uncorrected position information via a web browser. Upon receiving the request, the service system utilizes the uncorrected position data to retrieve correction data, correct the position data and transmit the corrected position back to the mobile device. Additionally, the service system can utilize the corrected position to retrieve map data which may also be sent to the mobile device.

The applicant argues that the prior art fails to teach a location server; the mobile device determines his own position. This is not convincing since the service system can either provide the correction data to the mobile device or provide the corrected position data to the mobile

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device. Since it is capable of providing the corrected position, it is deemed to provide the function of a location server. Additionally, the service system provides the map/other information function in response to the corrected position information; thus, location determination is performed remote from the mobile device.

The applicant's argument that the prior art shows the mobile device initiating the request and therefore distinguishes from the claimed subject matter is not persuasive. Each of the claims sets forth a limitation for receiving a request from said mobile communication. Thus, the applicant fails to argue the claim limitations.

7. Claims 36, 37, 41-49, 54 and 55 are rejected under 35 U.S.C. 102(a) as being anticipated by Sommelet et al.

Sommelet et al disclose a method and apparatus wherein a combined GPS receiver/cellular phone send information to an internet server which interprets the data, ie. calculates position, and provides a map response; the advantage of position calculation and map retrieval remote from the mobile device is a reduction in cost and size of the mobile device as well as an increase in accuracy.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 36, 37, 41-49, 54 and 55 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Giniger et al.

Giniger et al disclose a method and apparatus for providing information associated with a location of a mobile communication device wherein the combined GPS/cellular phone sends position signals to a central site server which is capable of generating the present position information from the position signals as well as accessing other information server sites for providing location-sensitive information or application server sites for providing applications, such as emergency rescue. The various sites are accessible via cellular or terrestrial communication links and are accessible by all users. Thus, the networking involved in bi-directionally communicating information to and from the various sites anticipates or, alternatively, makes obvious the use of the internet.

Giniger et al teach/suggest the determination of position at a central site, i.e. a location server, remote from the mobile device.

10. Claims 38-40, 50-53 and 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Tsukinokisawa, Sommelet et al or Giniger et al in view of Girerd et al.

Each of Tsukinokisawa, Sommelet et al and Giniger et al teach the subject matter substantially as claimed but fails to show the mobile unit specifically sending pseudoranges (PRs) via the web in order for a server to calculate position from the PRs. Girerd et al teach the conventionality of communicating PRs to a remote server for distributed processing of position information as well as the communication of auxiliary data to aid in the recovery of satellite signals at a remote mobile unit. In view of the teachings in Tsukinokisawa, Sommelet et al and Giniger et al to use bi-directional communication between the mobile device and a service system using the internet and the suggestion by Girerd et al to communicate auxiliary receiver aiding data to a mobile device via the internet as well as communicate PRs to the server for

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position calculation, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify any one of Tsukinokisawa, Sommelet et al and Giniger et al by providing receiver aiding data to the mobile device via the internet to reduce the processing time required to acquire the satellite signals as well as communicate mobile device-received satellite information in the form of PRs to remotely determine the position of the mobile unit and thereby reduce the cost and size of the mobile unit.

11. The combined prior art discloses the use of a server site determining the location of a mobile communication device.

12. All claims are drawn to the same invention claimed in the parent application prior to the filing of this Continued Prosecution Application under 37 CFR 1.53(d) and could have been finally rejected on the grounds and art of record in the next Office action. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing under 37 CFR 1.53(d). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

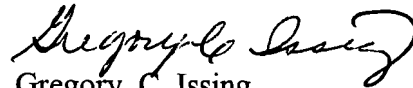
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory C. Issing whose telephone number is (703)-306-4156.

The examiner can normally be reached on Mon-Thurs 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on (703)-306-4171. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Gregory C. Issing
Primary Examiner
Art Unit 3662

gci
September 3, 2002